

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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) MDL 2185  
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) Case No. 4:10-md-02185  
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) **This Document Relates to Only The**  
)

) **Following Individual Actions**  
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) No. 4:12-cv-1256 (cons.)  
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) No. 4:12-cv-1272  
)

) No. 4:12-cv-2362 (cons.)  
)

) No. 4:12-cv-3621  
)

) No. 4:12-cv-3714  
)

) No. 4:12-cv-3715  
)

*In re BP plc Securities Litigation* ) No. 4:13-cv-0069  
)

) No. 4:13-cv-0129  
)

) No. 4:13-cv-0517  
)

) No. 4:13-cv-0887  
)

) No. 4:13-cv-1044  
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) No. 4:13-cv-1393  
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) No. 4:13-cv-3397  
)

) No. 4:14-cv-0457  
)

) No. 4:14-cv-0980  
)

) No. 4:14-cv-1065  
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) No. 4:14-cv-1085  
)

) No. 4:14-cv-1068  
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) No. 4:14-cv-1072  
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) No. 4:14-cv-1073  
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) No. 4:14-cv-1075  
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) No. 4:14-cv-1087  
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) No. 4:14-cv-1279  
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) No. 4:14-cv-1280  
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) No. 4:14-cv-1281  
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) No. 4:14-cv-1418  
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**INDIVIDUAL ACTION PLAINTIFFS'**  
**MOTION TO COMPEL DISCOVERY RESPONSES**

Pursuant to Fed. R. Civ. P. 29(b) and 37 and Civil L.R. 7.1, the Individual Action Plaintiffs Steering Committee, on behalf of all Individual Action Plaintiffs in the above-captioned actions (“Plaintiffs”),<sup>1</sup> hereby respectfully moves for an Order compelling Defendants named in the above-captioned actions (“Defendants”) to comply with the parties’ March 21, 2017 Letter Agreement and to: (1) provide within 10 days complete responses to Plaintiffs’ Interrogatories 1, 3, 9, and 11; (2) identify all custodians from the parallel ADS-only class case for use in discovery in Plaintiffs’ lawsuits; (3) otherwise use Plaintiffs’ “Appendix C” custodians list, as adjusted by any other custodians identified by items (1) and (2); (4) run Plaintiffs’ “Appendix B” searches as written on these custodians, on Defendants’ “central repository,” and on any additional locations with potentially responsive documents, to produce all documents regarding all direct communications between BP and Plaintiffs or their outside investment managers, whether or not alleged in any complaint; and (5) run Plaintiffs’ “Appendix A” searches as written on these custodians, on Defendants’ “central repository,” and on any additional locations with potentially responsive documents, to produce all non-duplicative documents regarding all misstatements alleged in Plaintiffs’ complaints, whether dismissed or upheld as actionable, and whether or not alleged in the parallel ADS-only class action.

The grounds for this motion are fully set forth in Plaintiffs’ accompanying Memorandum of Law, and supported by the Declaration of Matthew L. Tuccillo, Esq. (“Tuccillo Decl.”), and its exhibits filed contemporaneously herewith. For all the reasons set forth therein, Plaintiffs respectfully request that their Motion be granted.

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<sup>1</sup> Excluded are the Individual Action Plaintiffs who led the parallel ADS-only class action: the DiNapoli Plaintiff (Case No. 4:14-cv-1083), Massachusetts Pension Reserves Plaintiff (Case No. 4:14-cv-1084), and Ohio Plaintiffs (Case No. 4:12-cv-1837). While they have been kept informed and are bound by the pertinent agreements and Court Orders, they have otherwise minimized collaboration and have for the most part not shared class action work product.

Dated: July 31, 2019

Respectfully submitted,

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*Individual Action Plaintiffs' Steering Committee*

**CERTIFICATION PURSUANT TO FED. R. CIV. P. 37(a)(1) and LR7.1(D)**

Plaintiffs hereby certify that they have in good faith conferred with counsel for Defendants in an unsuccessful effort to resolve the issues that are the subject of this Motion without Court action. Prior to filing this Motion, Plaintiffs, through the Individual Action Plaintiffs' Liaison Counsel acting under the authority and supervision of the Individual Action Plaintiffs' Steering Committee, engaged in a lengthy meet-and-confer process with defense counsel over 16 total months (12 months in 2016-2017 and four months in 2019), filed a motion to compel in 2016 on the same issues, and withdrew it without prejudice in exchange for the discovery obligations imposed on Defendants by the March 21, 2017 Letter Agreement, which Defendants are now violating. Plaintiffs' more recent efforts in 2019 are detailed in the accompanying Memorandum in §§I.-II. and in Tuccillo Decl. ¶¶4-40 and Exhs. A-GG thereto.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2019, a copy of the foregoing was served by me via ECF notification on the counsel of record for all Defendants, with an email copy also sent to Mr. Marc De Leeuw and Mr. Matthew Peller at Sullivan & Cromwell LLP.

*/s/ Matthew L. Tuccillo*  
Matthew L. Tuccillo, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2019, a copy of the foregoing was served by me via ECF notification on the counsel of record for all Defendants, with an email copy also sent to Mr. Marc De Leeuw and Mr. Matthew Peller at Sullivan & Cromwell LLP.

*/s/ Thomas G. Hoffman, Jr.*  
Thomas G. Hoffman, Jr.